



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 30 2004

James W. Warr, Director
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Dear Mr. Warr:

The U.S. Environmental Protection Agency (EPA) has received and considered the revisions to Chapter 335-6-10-.11 (Water Quality Criteria Applicable to Specific Lakes) and the addition of the Public Water Supply (PWS) use designation for two segments in the Whitesides Mill Lake Basin (335-6-11-.02, Use Classifications) of the Alabama Department of Environmental Management (ADEM) Administrative Code, adopted by the Alabama Environmental Management Commission (EMC) on April 20, 2004. The revisions were submitted to the EPA for review by letter dated May 20, 2004, and were certified by the State Attorney General as being duly adopted pursuant to State law on May 27, 2004.

Chlorophyll *a* Criteria for 11 Lakes

The State adopted chlorophyll *a* criteria for Dannelly Lake and Claiborne Lake in the Alabama River Basin, Bankhead Lake, Holt Lake, Oliver Lake, Warrior Lake, Lake Tuscaloosa and Smith Lake in the Warrior River Basin, Lake Harding in the Chattahoochee River Basin, and Gantt Lake and Point A Lake in the Perdido/Escambia River Basin. The State has appropriately adopted site-specific chlorophyll *a* criteria for these lakes based on historical data, scientific research, and best professional judgment to reflect local conditions consistent with EPA's regulations and guidance. The State's approach results in criteria values that protect the designated uses for each of these lakes. Therefore, EPA approves of the chlorophyll *a* revisions to the State's water quality standards for Clean Water Act purposes pursuant to the Agency's authority under section 303(c) of the Clean Water Act and its implementing regulations at 40 CFR Part 131.

Addition of Public Water Supply to Two Segments in the Whitesides Mill Lake Basin

The State adopted the PWS use classification to the following two segments in the Whitesides Mill Lake Basin: Shoal Creek (from Choccolocco Creek to Whitesides Mill Lake) and Whitesides Mill Lake. In a letter dated September 22, 2004, from James McIndoe, Chief of ADEM's Water Division, to my office, the State indicated that the adoption of the PWS to Shoal Creek was the result of a typographical error that the State intends to correct during future rulemaking. EPA will delay a formal section 303(c) review on the segment of Shoal Creek from Choccolocco Creek to Whitesides Mill Lake until the State has the opportunity to correct the error.

Regarding the addition of the PWS use to Whitesides Mill Lake, the adoption of the PWS use to this segment is consistent with section 303(c) of the Clean Water Act and 40 CFR Part 131. Therefore, EPA approves of the revision to Whitesides Mill Lake for Clean Water

Act purposes pursuant to the Agency's authority under section 303(c) of the Clean Water Act and its implementing regulations at 40 CFR Part 131.

EPA commends the efforts of Alabama in their continued commitment to water quality improvement through the adoption of chlorophyll *a* criteria for 11 lakes and the adoption of a PWS use to Whitesides Mill Lake. The State's existing narrative still provides protection for the remaining lakes, as well as for the embayments of the subject lakes in Alabama, until numeric nutrient criteria for rivers and streams are developed that will apply to tributaries of these lakes. EPA further acknowledges the adoption of these 11 chlorophyll *a* criteria as implementation (in part) of EPA's National Nutrient Strategy, and looks forward to working with the State on linkages to other aspects of that strategy (e.g., total phosphorus and total nitrogen) through mutual agreement on the State's voluntary State Nutrient Plan.

If you have questions regarding EPA's approval, please contact me at (404) 562-9470 or have a member of your staff contact Lauren Petter at (404) 562-9272.

Sincerely,



James D. Giattina, Director
Water Management Division

cc: Joel Altherr, ADEM